

REMARKS/ARGUMENTS

Claims 2-4, 7, 18, 25, 28-30 and 32-42 were and remain pending.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejects claims 2-4, 7, 18, 25, 28-30 and 32-42 under 35 U.S.C. § 103 as being unpatentable over Mohammadian et al., U.S. Patent No. 6,064,721 in view of Kahkoska et al., U.S. Patent No. 6,002,671.

In response, enclosed herewith please find a Rule 131 Declaration and supporting exhibits. It is respectfully submitted that the Rule 131 Declaration shows that the inventors invented the invention as set forth in the present application prior to the filing dates of Mohammadian et al. and Kahkoska et al.

As a preliminary matter, we must determine under which subsection of § 102 that Mohammadian et al. and Kahkoska et al. qualify as prior art. Mohammadian et al. has a filing date of October 22, 1997 and an issue date of May 16, 2000. Kahkoska et al. has a filing date of September 3, 1997 and an issue date of December 14, 1999. The present application has a filing date of December 18, 1998. Thus, Mohammadian et al. and Kahkoska et al. qualify as prior art under § 102(e).

A prior art reference under § 102(e) may be overcome by a Rule 131 Declaration. See 37 C.F.R. § 1.131; and MPEP § 715. A Rule 131 Declaration must show sufficient facts to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. See 37 C.F.R. § 1.131; and MPEP § 715.

It is respectfully submitted that the Rule 131 Declaration and supporting exhibits enclosed herewith show that the inventors conceived of the invention prior to September 3, 1997 and were diligent in reduction to practice from prior to September 3, 1997 to December 12, 1998.

Appl. No. 09/215,421
Amdt. dated March 17, 2004
Reply to Office Action of November 5, 2003

PATENT

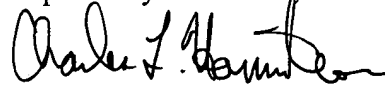
Thus, it is respectfully requested that the rejection of claims 2-4, 7, 18, 25, 28-30 and 32-42 over Mohammadian et al. in view of Kahkoska et al. be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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Attachments
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